

# SEARCH WARRANT FOR REAL-TIME LOCATION DATA

Commonwe<sup>th</sup> Virginia VA. CODE § 19.2-70.3(C)

## TO THE OFFICER SEEKING THIS SEARCH WARRANT

You are hereby commanded in the name of the Commonwealth to forthwith properly serve, as defined in §19.2-70.3(K), the following provider of electronic communications service or remote computing service:

This executed SEARCH WARRANT shall be returned to the \_\_\_\_\_ after the SEARCH WARRANT is executed.

Fairfax County

2017 MAR 23 PM 12:10

JUDGE, CLERK, CIRCUIT COURT  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

TO Sprint, 6480 Sprint Pkwy, Overland Park, Kansas 66251

## THE PROVIDER OF ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE:

You are hereby ordered to search for and disclose the following real-time location data records:

See attached Ex Parte Order

You are required to provide ongoing disclosure of these records for 30 days (not to exceed 30 days).

This SEARCH WARRANT is issued in relation to an offense substantially described as follows:

18.2-248, Distribution of Schedule I Narcotics.

I, the undersigned, have found probable cause that the real-time location data records are relevant to a crime that is being committed or has been committed, or that an arrest warrant exists for the person whose real-time location data is sought

[ ] and have found probable cause that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing within Virginia.

I further find that the real-time location data records should be searched and disclosed, based on the statements in the Attached affidavit sworn by

NAME OF AFFIANT

2.24.17 1552

DATE AND TIME  
DC-309 (MASTER, PAGE ONE OF TWO) 07/15

M.A. NICKOLAS

DK

[ ] CLERK [ ] MAGISTRATE [ ] JUDGE

FILE NO.

## SEARCH WARRANT FOR REAL-TIME LOCATION DATA

COMMONWEALTH OF VIRGINIA

v./In re

908-596-0661

CO\_000143

FILED  
CRIMINAL

MAR 23 2012 10

JOHN T. FRED  
CIRCUIT COURT  
FAIRFAX, VA

### EXECUTION

Executed by properly serving, pursuant to  
§19.2-70.3(K), the provider of electronic  
communication service or remote computing service  
as follows:

Method of service:

L SITE

The following person was served:

NAME

TITLE

ADDRESS

FACSIMILE NUMBER (IF APPLICABLE)

2/24/17 16:00

DATE AND TIME EXECUTED

 M.A. Nicholas

EXECUTING OFFICER

Certified to FAIRFAX COUNTY

Circuit Court on 3/23/17

 DATE  
M.A. Nicholas

EXECUTING OFFICER

# AFFIDAVIT FOR SEARCH WARRANT FOR REAL-TIME LOCATION DATA

Commonwealth of Virginia VA. CODE § 19.2-70.3(C)

The undersigned Applicant states under oath:

FILED  
CRIMINAL

1. The real-time location records are requested in relation to an offense substantially described as follows:

18.2-248, Distribution of Schedule I Narcotics.

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

[ ] CONTINUED ON ATTACHED SHEET

2. The provider of electronic communication service or remote computing service requested to search for and disclose real-time location data records is described as follows:  
Sprint, which is a foreign corporation as defined by Section 19.2-70.3(H) of the Code of Virginia (1950), as amended, located at 6480 Sprint Pkwy, Overland Park, Kansas 66251, or any other electronic communication or remote computing service that is capable of disclosing real-time location data and records for the electronic device that is currently assigned the service account 908-596-0661.
3. [X] The provider of electronic communications service or remote computing service is a foreign corporation, and the records requested are believed to be actually or constructively possessed by this foreign corporation that provides electronic communication service or remote computing service within Virginia. The material facts establishing probable cause for such a belief are:

See attached affidavit.

[ ] CONTINUED ON ATTACHED SHEET

(OVER)

DC-308 (MASTER, PAGE ONE OF TWO) 07/15

FILE NO.

# AFFIDAVIT FOR SEARCH WARRANT FOR REAL-TIME LOCATION DATA

APPLICANT:

M. A. Nickolas

NAME

Detective

TITLE (IF ANY)

4100 Chain Bridge Road

ADDRESS

Fairfax, VA 22030

Certified to Clerk of

Circuit Court

CITY OR COUNTY

on

DATE

TITLE

SIGNATURE

Original Delivered  in person  by certified mail  
 by electronically transmitted facsimile  
 by use of filing/security procedures  
defined in the Uniform Electronic

Transactions Act

to Clerk of FAIRFAX COUNTY Circuit Court  
CITY OR COUNTY WHERE EXECUTED

on 3/23/17

DATE

Detective

M. A. Nickolas

TITLE

SIGNATURE

Complete only if different than the above, or complete if provider is a foreign corporation:

Copy delivered  in person  by certified mail  
 by electronically transmitted facsimile  
 by use of filing/security procedures  
defined in the Uniform Electronic

Transactions Act

to Clerk of FAIRFAX COUNTY Circuit Court  
CITY OR COUNTY OF ISSUANCE

on 3/23/2017

DATE

DEPUTY CLERK M. Myisha Goodwin

TITLE

SIGNATURE

CO\_000145

4. The real-time location data records to be searched for and disclosed are described below:

See attached addendum.

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2017 MAR 23 PM12:11

JOHN T. FAHEY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

5. The following material facts constitute probable cause that

[  ] The real-time location data records to be searched for and disclosed are relevant to a crime that is being committed or has been committed AND/OR

[ ] An arrest warrant exists for the person whose real-time location data is being sought:

6. [ ] I have personal knowledge of the facts set forth in this affidavit AND/OR

[ X ] I was advised of the facts set forth in this affidavit, in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

Your Affiant has received information from National Crime Information Center, Department of Motor Vehicles, Other Law Enforcement Agents and Resources, as well as individuals who provided information and personal accounts. Your Affiant, in each case, upon verifying and corroborating the information received, found the information to be accurate and reliable.

The statements above are true and accurate to the best of my knowledge and belief.

Detective

TITLE OF APPLICANT

Subscribed and sworn before me this day.

2524-17 (55)

DATE AND TIME

DC-308 (MASTER, PAGE ONE OF TWO) 07/15

M.A. NICKOLAS  
APPLICANT  
[ ] MAGISTRATE [ ] JUDGE

CO\_000146

FILED  
CRIMINAL

2017 MAR 23 PM 12:12

AFFIDAVIT  
IN SUPPORT OF A SEARCH WARRANT  
JUDGE T. HENRY  
FULTON, CIRCUIT COURT  
FAIRFAX, VA

Before the undersigned Judge in and for the County of Fairfax, came this 24<sup>th</sup> day of February, 2017, Your Affiant, **Detective M. A. Nickolas**, of the Fairfax County Police Department.

Your Affiant has been a sworn law enforcement officer in the Commonwealth of Virginia for over (15) years and is currently a detective, assigned to the Criminal Intelligence Division. Your Affiant was previously assigned to the Mason District Station Criminal Investigations Section where he was a Detective for over (7) years. Prior to that Your Affiant was assigned to the Patrol Division, where he conducted criminal investigations, assisted in the execution of search warrants and received training from the Fairfax County Justice Academy as a recruit, as well as on a consistent basis as a sworn law enforcement officer. Your Affiant has conducted numerous criminal investigations which have led to arrests and successful prosecutions in the General District and Circuit Courts of Fairfax County, Arlington County, Prince William County and the City of Alexandria. Your Affiant has been a sworn law enforcement officer during all times stated herein.

Your Affiant is requesting a search warrant be issued in relation to an ongoing investigation, involving the violation of Virginia State Code(s) 18.2-248, Distribution of Schedule I Narcotics.

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

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Your Affiant is respectfully requesting the search warrant be issued pursuant to §§ 19.2-61 and 19.2-70.3 of the Code of Virginia (1950), as amended, and Title 18, United States Code, §§ 2510 and 2703, demanding that Sprint, located at 6480 Sprint Pkwy, Overland Park, Kansas 66251, or any other electronic communications provider or service in possession of the requested records, shall forthwith furnish agents of the Fairfax County Police Department or their lawful designee with electronic communication records and assistance, pertaining to cellular/wireless phone number **908-596-0661**, which will include subscriber information, call detail records, SMS, MMS, and any other type of data transmission records, Wireless Internet/Data usage, and Internet Protocol (IP) connection records for the time period starting on **February 2, 2017**, as well as real-time location data extending thirty (30) days past the date this search warrant is served on the Provider. Based on the facts adduced in this affidavit, there is probable cause to believe that the requested data will provide for the location and investigation into **Chukwuemeka Okparaekwe**, who is currently a distributor of schedule I narcotics in violation of § 18.2-248, respectively, of the Code of Virginia (1950), as amended.

The records and assistance subject to this search warrant are enumerated below:

1. Historical cell site activations, to include sector information for beginning and termination of all calls, related to all transmitted communication requested in this search warrant;
2. Numbers transmitted to and from, including phone calls, SMS, MMS, and any other data transmission, and direct connections, if applicable during the time frames requested;
3. Date, time, and duration of all transmitted communication;
4. Signaling information;

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

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FBI - FAIRFAX, VA

5. Subscriber, MIN/ESN, IMSI, MSID and billing/payment information for the specified cellular/wireless telephone, to include any Customer Account Notes associated with the account;
6. Subscriber, MIN/ESN, IMSI, MSID and billing/payment information for any other cellular/wireless telephones on this account;
7. Wireless Internet usage and IP connection records to include any IP addresses assigned to this account's device(s), logon dates and times and length of session, the IP address assigned to each session and any known domain names and any related cell site information;
8. Records and assistance requested in this order shall be provided to any agent of the Fairfax County Police Department, or their lawful designee, upon request;
9. It is further ordered that all subscriber information, call detail records, data transmission records, wireless Internet usage, and IP connection records be provided in an electronic format specified by any agent of the Fairfax County Police Department or their lawful designee;
10. That this order shall cover and be applied to any cellular/wireless MIN/ESN or IMSI that the subscribers of the phones covered by this order may change service to, for the duration of this order;
11. Such service provider shall initiate real-time location services or a geo-location signal, mobile locator services, E911 services, and/or any other service provided by the carrier indicating precision location data in real time to determine the location of the subject's mobile device on the service provider's network or with such other reference points as may reasonably be available and at such intervals and times as requested by the Fairfax County Police Department or their lawful designee;
12. Range to Tower (RTT) Reports and/or Per Call Measurement Data (PCMD).

Your Affiant submits the following facts as probable cause for the issuance of this search warrant:

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

FILED  
CRIMINAL

During the months of October 2016 through January 2017 Your Affiant was working in an undercover capacity attempting to identify distributors of drugs within Fairfax County. Your Affiant made contact with a suspect known as Chukwuemeka Okparaeke via the internet who offered to distribute schedule I drugs (18.2-248) into Fairfax County via the United States Postal Service (USPS). Over these months Your Affiant made multiple purchases of schedule I drugs from this suspect. Each time the suspect sent the drugs it was through the USPS and received by Your Affiant within Fairfax County. Multiple packages had labels affixed which displayed addressed handwriting with unique characteristics.

Through open source statements by the suspect, Your Affiant was able to identify multiple schedule 1 drug packages entering the United States destined for the suspect. Furthermore, Your Affiant was able to compare known handwriting samples from the suspect to the packages Your Affiant received with handwritten labels. The handwriting on the labels was consistent with the unique handwriting of the suspect.

Your Affiant confirmed that the suspect lives and works in the geographical area from where the packages originated. In addition the suspect maintains an account with the USPS to purchase stamps online. The suspect has purchased thousands of Dollars in stamps during the time period Your Affiant has been purchasing drugs from him. In many cases the purchased stamps of the suspect match the stamps received by Your Affiant.

Through a virtual currency account maintained by the suspect, Your Affiant learned that the suspect is engaged in the movement of funds in and out of the online marketplace where he is operating the business of distributing drugs.

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

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JOHN T. FREY  
CLERK, CIRCUIT COURT

The following has been learned about **Sprint**:

**Sprint** is a "foreign corporation" as defined by § 19.2-70.3 of the Code of Virginia (1950), meaning that their primary place of business is located outside of the boundaries of the Commonwealth and that they make contracts or engage in a terms of service agreement with residents of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. Furthermore Your Affiant believes that the records requested are actually or constructively possessed by this foreign corporation that provides electronic communications service or remote computing service within the Commonwealth of Virginia.

Based upon the aforementioned facts, your Affiant believes that the records collected from **Sprint** as well as the disclosure of real-time location data, will aid in the location and investigation of **Chukwuemeka Okparaekwe** and it is believed by your Affiant that the disclosure of location-based services, will allow law enforcement to monitor **Chukwuemeka Okparaekwe's** criminal activities to include future dealings with customers living in and around Fairfax County, Virginia.

**AFFIDAVIT IN SUPPORT  
OF A SEARCH WARRANT**

FILED  
CRIMINAL

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IAN M. GREY  
AFFIANT, CLERK, CIRCUIT COURT  
FAIRFAX, VA.

Detective M. A. Nickolas

Subscribed and sworn before me this 24<sup>th</sup> day of February, 2017.

  
\_\_\_\_\_  
JUDGE

2-24-17/1554  
DATE/TIME

## Search Warrant Addendum

IT IS FURTHER ORDERED pursuant to §§ 19.2-61 and 19.2-70.3 of the ~~Code~~ <sup>CRIMINAL</sup> of Virginia (1950), as amended, and Title 18, United States Code, §§ 2510 and 2703, that electronic communication records and assistance, pertaining to cellular/wireless phone number ~~908-596-0661~~, which will include subscriber information, call detail records, SMS, MMS, and any other type of ~~data~~ transmission records, Wireless Internet/Data usage, and Internet Protocol (IP) connection records for the time period of ~~February 2, 2017~~ to the present, as well as **real-time location data extending thirty (30) days past the date this search warrant** is served on the provider. The records and assistance being sought subject to this search warrant are enumerated below:

1. Historical cell site activations, to include sector information for beginning and termination of all calls, related to all transmitted communication requested in this search warrant;
2. Numbers transmitted to and from, including phone calls, SMS, MMS, and any other data transmission, and direct connections, if applicable;
3. Date, time, and duration of all transmitted communication;
4. Signaling information;
5. Subscriber, MIN/ESN, IMSI, MSID and billing/payment information for the specified cellular/wireless telephone, to include any Customer Account Notes associated with the account;
6. Subscriber, MIN/ESN, IMSI, MSID and billing/payment information for any other cellular/wireless telephones on this account;
7. Wireless Internet usage and IP connection records to include any IP addresses assigned to this account's device(s), logon dates and times and length of session, the IP address assigned to each session and any known domain names and any related cell site information;
8. Records and assistance requested in this order shall be provided to any agent of the Fairfax County Police Department, or their lawful designee, upon request;
9. It is further ordered that all subscriber information, call detail records, data transmission records, wireless internet usage, and IP connection records be provided in an electronic format specified by any agent of the Fairfax County Police Department or their lawful designee;
10. That this order shall cover and be applied to any cellular/wireless MIN/ESN or IMSI that the subscribers of the phones covered by this order may change service for the duration of this order;

## Search Warrant Addendum

11. Such service provider shall initiate real-time location services or a geo-location signal, mobile locator services, E911 services, and/or any other service provided by the carrier indicating precision location data in real time to determine the location of the subject's mobile device on the service provider's network or with such other reference points as may reasonably be available and at such intervals and times as requested by the Fairfax County Police Department or their lawful designee; *ED SP  
CLERK, CIRCUIT COURT  
FAIRFAX, VA*
12. Range to Tower (RTT) Reports and/or Per Call Measurement Data (PCMD).

IT IS FURTHER ORDERED that pursuant to §§ 19.2-61 and 19.2-70.3 of the Code of Virginia (1950), as amended, and Title 18, United States Code, §§ 2510 and 2703 that any and all providers of wire or electronic communication service or remote computing service provide the Fairfax County Police Department, or their lawful designee, with subscriber information, including the names, addresses, credit and billing/payment information of the subscribers, published and non-published, for the cellular/wireless phone number **908-596-0661** and any user accounts identified through the wireless Internet usage and IP connection records for the device assigned phone number **908-596-0661** for the period of **February 2, 2017** to the present as well as **real-time location data extending thirty (30) days past the date this search warrant** is served on the Provider.